

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 272

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 11, 1999
Tuesday, 9:15 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.
The invocation was given by Rev. Marlin White, Unity Church.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of May 4, 1999, were approved 7 to 0.

NEW BUSINESS

REVENUE BONDS

WATER AND SEWER SYSTEM UTILITY REVENUE BONDS, SERIES 1999.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 99-435.

The Water and Sewer Department has been drawing down cash reserves, in anticipation of the issuance of revenue bonds, in order to fund the costs of improvement projects that were previously authorized for bond financing. The Department now estimates that it will require new bond proceeds not later than July 1999 in order to continue funding capital improvement costs for the balance of 1999 and 2000. The proceeds from the proposed bond sale will reimburse prior cash reserve expenditures and will provide funding for on-going expenditures for those capital projects authorized by the aforementioned resolutions.

The Finance Department recommends the public sale of the Series 1999 Water and Sewer System Utility Revenue Bonds, in the principal amount of \$48,950,000, at 10:30 a.m. on June 8, 1999. Sealed bids will be opened at this time and the City Council will subsequently award the sale of the bonds to the bidder whose proposed interest rates result in the lowest overall cost to the City. The bonds will mature over a 20-year period, callable after seven years, and will be insured as to the payment of principal and interest by Financial Guaranty Insurance Company.

The debt service payments associated with the bonds will be funded entirely from net revenues derived from operations of the City's Water and Sewer Utility.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the Resolution be adopted; the necessary notices be published and documents be distributed. Motion carried 7 to 0.

RESOLUTION NO. R-99-150

A Resolution of the City of Wichita authorizing and providing for public sale of Water and Sewer Utility Revenue Bonds, upon the expiration of the statutory protest period after the publication of the notice of intent therefor, and providing for the giving of notice of such public sale, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 273

CONSOLIDATED PLAN HUD CONSOLIDATED PLAN - 1999/2000 ONE YEAR ACTION PLAN.

Tom Smith Grants In-Aid Coordinator reviewed the Item.

Agenda Report No. 99-436.

On April 6, 1999, the City Council approved the HUD Consolidated Plan, 1999/2000 One Year Action Plan subject to completion of the required thirty day public comment period. The approved Plan comprises the One Year Action Plan and includes Community Development Block Grant funding allocations, HOME Investment Partnership funds, and Emergency Shelter Grant funds. To receive these federal funding allocations, HUD requires cities to prepare One Year Action Plans listing projects and services to be undertaken, their location and proposed activities.

The City's final 1999/2000 One Year Action Plan lists the federal resources expected to be available from various grant assistance programs to address priority needs (as adopted by the City Council), a description of the activities to be funded by the City Council, the geographic location of the activities and homeless, and other special needs and activities to be undertaken during the fiscal year. The 1999/2000 One Year Action Plan covers the period beginning July 1, 1999 and ending June 30, 2000.

The 1999/2000 Consolidated Plan totals \$7,854,800 and is comprised of grant funds and estimated income (primarily derived from revolving funds such as Historic Loans).

The City has met all federal requirements to proceed with submission of the final One Year Action Plan to HUD. A thirty day public comment period was provided from April 9, 1999 to May 9, 1999. No comments were received. The One Year Action Plan must be received by HUD by May 15, 1999 to receive the funds.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- Cole moved that the Plan be approved and the necessary documents and signatures be authorized. Motion
-- carried carried 7 to 0.

TASK FORCE CITIZEN INVOLVEMENT TASK FORCE REPORT.

Misty Bruckner City Manager's Office reviewed the Item.

Agenda Report No. 99-433.

On September 29, 1998, the City Council heard a presentation from a group of citizens that has been studying and discussing the current citizen involvement and neighborhood process. This group presented various issues and concerns to the City Council, including: (1) connections between CPO and neighborhood associations; (2) role of CPO and Neighborhood groups; (3) representation of organizations and entities in the citizen involvement process; (4) citizen involvement relationship and interaction with the building and development community; and (5) need to clarify citizen participatory systems and functions.

The City Council concurred that the group presented valid issues and questions and directed Staff to propose a means to further evaluate and study the various issues and formalize a process for City Council review/action.

On November 11, 1998, the City Council formalized the support and provided a structure to further study the citizen involvement process by approving the creation of a 15 member Citizen Involvement Task Force. On December 8, 1999, each City Council Member appointed one person to the Task Force. The City Manager later made eight appointments to the Task Force to ensure diverse representation. The goal was to involve all segments of the community, including but not limited to representation from: CPO Councils, Wichita Independent Neighborhoods (WIN), the University community, Neighborhood Associations/groups, school district, Chamber of Commerce, Wichita Area Home Builders (WABA), and others.

The Citizen Involvement Task Force met from February through April. The Task Force listened to Staff from City government, heard presentations from representatives in public administration from Wichita State University, conducted a public hearing, and reviewed community research. After four weeks of deliberation, the Task Force completed a final report with recommendations to change the current CPO and Neighborhood Assistants Program. Highlights from the recommendations include:

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 274

- ? Adopt a city ordinance for the creation of a new organizational structure for citizen participation.
- ? Sustain a district-wide Citizen Council process.
- ? Determine representation of the new Citizen Councils.
- ? Create a proactive process to involve citizens in projects, program and policy initiatives.
- ? Combine CPO Staff and Neighborhood Assistants Staff. Staff should be divided by area and be based out of the mini-city halls.
- ? Develop stronger communication links to citizens, including: Internet; direct contacts; use of mini-city halls; Channel 7; and other means to include a more diverse representation of citizens.
- ? Require members appointed to boards of commissions be registered voters.
- ? Revise the planning process to be more citizen friendly, including: Require Metropolitan Area Planning Commission (MAPC) to meet in the evenings; develop strategies for citizen information and education on the development process; focus on neighborhood planning; develop strategies for a less confrontational process on controversial issues, such as early neighborhood meetings, mediation, and information session; and emphasize importance of a diverse representation on the MAPC.

Currently, CPO and one Neighborhood Assistant positions is funded with CDBG allocations. Staff would need to work with representatives from HUD, Housing and Urban Development, to determine qualifications. No additional Staff is being requested.

Ordinance changes would be needed to implant recommendations in the plan.

Margalee Wright

Margalee Wright, Citizen Involvement Task Force Spokesperson reviewed a few of the points for special Council consideration:

It was intended to simplify and make user-friendly the process where every single citizen in the community could understand the process, have access, be appointed to a board or commission, be an elected or appointed member of a district council, and could have full partnership with the City.

“We are looking for dynamic, inter-related teams of citizens in each district who will take responsibility for solving problems, be pro-active, work together with the schools, businesses, churches, and organizations to be problem solvers and pro-active.”

“We are looking for councils that would have simplicity of mission and would have an opportunity to gather neighbors together in a ‘town meeting’ on a regular basis.

District focus was a point of great discussion and has great potential to help the Council, as elected representatives, do an even better job.

There was not total consensus on the representation and how it should be implemented but there were about half of the members who indicated that a combination of elected and appointed members would be efficient.

MAPC issues that need to be addressed are more diversity on the MAPC, evening meetings, and MAPC responsibility for working directly with neighborhood groups on zoning cases in the area so that there is an opportunity for mediation, complete understanding of the issue, and a pro-active manner. Citizens should not feel that they have three or four different processes to go through before a decision is made.

Council Member Pisciotte

Council Member Pisciotte stated that it would be beneficial for the Council to have copies of the study and data previously completed by Professors Glaser and Parker.

Margalee Wright

In response to a question, Ms. Wright said the data collected and the concerns regarding the number of vacancies and the inability to fill positions on CPO Councils was dealt with by the Task Force and the result was a preference for a combination of elected and appointed positions.

Council Member Cole

Council Member Cole spoke in favor of looking into the deletion of sub-districts and in favor of Option 4, combining elected and appointed positions.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 275

Mayor Knight Mayor Knight suggested the Council spend time on the matter in the Retreat session in order to arrive at a greater consensus.

Motion -- Rogers moved that the Report be received and filed, action be deferred, and the Item be discussed further in
-- carried Retreat. Motion carried 7 to 0.

ADDENDUM ITEM 1A PBC BONDS

APPROVAL OF PBC BONDS FOR WSU STADIUM RENOVATION.

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 99-460.

The Wichita Public Building Commission ("PBC") has received a request from Wichita State University for the use of PBC lease revenue bonds in the amount not to exceed \$4.0 million as a means of bridge financing for planned improvements to Eck Stadium. On April 21, 1999, the PBC approved a resolution declaring its intent to issue the bonds, subject to a 30-day protest period. Under the structure used to finance WSU projects with PBC bonds, the City Council must approve use of the 1.5 mill WSU Special Levy as security for the bonds.

The planned improvements to Eck Stadium include substantial reconstruction and expansion of the spectator seating and the addition of 13 sky boxes and a new press box, a new All American Clubhouse and veranda above the sky boxes and a new Hap Bledsoe Pavilion main entrance to the facility, as well as improvements to the playing field and team facilities. Bids for the construction project are scheduled to be opened on May 11 with construction starting immediately after the last post-season game is played in the facility this year. The renovation project will be completed in time for the opening game of the 2000 season.

Wichita State University has been engaged in fund raising for the Eck Stadium Project for some time and has either received cash donations or secured pledges of donations for a major portion the \$6.0 million project. The WSU Board of Trustees has asked the PBC to assist by issuing revenue bonds in anticipation of receiving pledged donations and other project revenues. Under the structure in place for the use of PBC bonds to finance WSU improvements, the bonds would be secured by a pledge of the 1.5 mill levy for WSU. In this project, the pledge of the WSU mill levy is intended to serve only as credit enhancement for the bonds and not as a source of payment.

WSU has received indications of interest from several individuals, stating their readiness to purchase the entire amount of the PBC bonds, with the understanding that the bonds will very likely be called for redemption prior to their stated maturity, based on receipt of pledged donations. The bonds will be issued as tax-exempt bonds, in \$100,000 denominations scheduled to mature in ten years. It is anticipated that a majority of the bonds will be called during the first three years after they are issued, and the balance will be redeemed evenly over the next six years.

The PBC is in the process of selecting a placement agent who will oversee the technical aspects of privately placing the bonds with the investors ready to purchase the bonds, and to assist in identifying other investors if the need arises. WSU plans to use cash-on-hand to fund initial construction costs and to ask the PBC to issue bonds in late summer or early fall in order to complete the project. The University is seeking City approval prior to the start of construction.

The debt service payments for the proposed PBC bonds will come from pledged donations and project revenues. The 1.5-mill WSU Special Tax Levy will serve as standby credit enhancement and will only be used in the event that WSU is unable to pay debt service on the bonds from other sources.

Dr. Beggs Dr. Beggs said it is a compliment to WSU to be able to work with the City of Wichita in this unique arrangement. There are plenty of fund raising activities and WSU should not be required to return to the Council or use the mill levy funds.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard.

Motion -- Pisciotte moved that the use of Public Building Bonds be approved and the Ordinance be placed on first
-- carried reading. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 276

ORDINANCE

An Ordinance Of The Governing Body Of The City Of Wichita, Kansas, Designating The Use Of A Portion Of The Special Ad Valorem Tax Levy Made Under The Authority Of K.S.A. 76-3a07 And Charter Ordinance No. 8, As Authorized And Permitted By K.S.A. 12-1757, Et Seq., As Amended And Supplemented By Charter Ordinance Nos. 107, 149 And 162 Of The City, Introduced And Under The Rules Laid Over.

GROVE PARK

Tim Martz

GROVE PARK SITE DEVELOPMENT PLAN. (District I)

Acting Park and Recreation Director reviewed the Item.

Agenda Report No. 99-434.

The Department of Park and Recreation requests that City Council authorize the Park Department to secure the services of a professional engineering firm for preparation of a site development plan for Grove Park. Development of this plan will be the preliminary step in providing for improvements to Grove Park that have been requested by a group of citizens interested in developing recreation amenities in this park that serves citizens in northeast Wichita, near Hillside and 27th Street. The Site Development Plan will be based on an general concept for the park provided by the Park Department and will include a scope of work, drainage specifications, topographical data and a grading plan, among other details. Cost of the preliminary design plan is estimated at \$20,000.

In 1992 the City of Wichita purchased 105.87 acres of land near Hillside & 27th St. in northeast Wichita to supplement land already designated as Grove Park. Neighbors in that area have requested that the City begin development of this additional land at Grove Park in to better serve youth in the community. Five organizations in the area, including the Matlock Neighborhood Association, the Northeast Heights Neighborhood Association, the District One Coalition, the Junior Football League, the McAdams Golf Association, and Hoop City, Inc., worked together to create a plan for development of the park. They presented their proposal to the Park Board and to CPO I on January 11, 1999. Both bodies enthusiastically endorsed the neighborhood proposal. In addition, the Kansas National Guard has expressed an interest in assisting with some of the preliminary work at this site, i.e. grading and hauling rock, when plans and specifications have been developed.

In response to the neighborhood's request, the Park Department created a "concept plan" for this park, identifying placement of amenities such as playground, football fields, golf practice course, walking path, parking lot and a roadway from Hillside Street into the park. This concept plan will be the basic document used in selecting an engineering firm who will develop a detailed Site Development Plan. The plan developed by the selected firm will address topographical variations, a plan for grading and site preparation, drainage specifications and the general scope of work at the site. Also, to assist with development of the detailed plan, the firm of Savoy, Ruggles and Bohm has agreed to donate their services to provide a portion of the surveying for the site.

Development of this plan will enable construction to begin at Grove Park when funding becomes available, earmarked in the Park Department's Capital Improvement Program in 2001, 2002 and 2003.

Funds have been allocated within the City's Capital Improvement Program for Grove Park development (project #P-100) as follows: 2001 - \$200,000; 2002 - \$250,000; 2003 - \$300,000. \$20,000 of the CIP funds allocated for 2001 would be shifted to 1999 in order to cover only the design costs for the project. Ongoing operating costs for the park will be determined after the design plan has been completed and before amenities are developed.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Willie Burton

Willie Burton, President of Matlock Heights Neighborhood Association, presented a petition urging a coalition using private and public resources to develop the park.

The park is needed and the area residents are willing to work.

James White

James White, President of McAdams Golf Association, said he is trying to enhance and establish a junior golf program. An area is needed to practice and teach off of 21st Street.

Park development of golf holes would enhance the area. Other people outside of the northeast community would use the golf area.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 277

- Fran Crowley Fran Crowley, 5706 East 20th, said she had received letters of support from businesses on 21st, WSU, and neighbors near Grove Park.
- Almost \$200,000 in donations has been gathered for the Park.
- James Roseberry James Roseberry said the neighborhood association has waited years for development of the Park. There is sufficient space for ball games and parking. The Park should be developed as soon as possible.
- Council Member Rogers Council Member Rogers said there are other facilities and services that might be provided which could come from Council approval of design funds. A design is needed that all organizations and individuals would be comfortable with.
- The money included for the actual development is still not being moved because it is in the CIP.
- Council Member Rogers requested that the City Manager, Finance Director, and Public Works Director provide information on the most reasonable way to make the subsequent adjustments in the Capital Improvement Plan if the design money is approved. It seems only reasonable that the CIP money for the development of the Park would subsequently be moved.
- James White James White, responding to a question, said the Golf Association plans to be involved in maintenance. The City should not do all of the work.
- Council Member Pisciotte Council Member Pisciotte said the maintenance issue should be addressed.
- Council Member Martz Council Member Martz suggested the use of a kind of AstroTurf instead of grass greens.
- Chris Cherches City Manager said an attempt to expedite the process could be made when the proposals for design are solicited.
- Motion -- Rogers moved that the \$20,000 for the design plan be approved and be taken from the CIP funds allocated in the year 2001 and be shifted to 1999 to cover the design.
- Chris Cherches City Manager suggested Staff be allowed to reshuffle current resources within the Park Department operating budget in lieu of trying to make an adjustment in the CIP.
- Amendment -- Rogers, with consent of the Second, amended the motion to allow Staff to reshuffle current resources within the Park Department operating budget in lieu of trying to make an adjustment in the CIP. Motion, -- carried as amended, carried 7 to 0.

ADDENDUM ITEM 4A STORM DAMAGE

REPORT ON STORM DAMAGE AND CLEAN-UP ACTIVITIES AND EMERGENCY EXPENDITURES.

Agenda Report No. 99-461.

Due to tornado and storm damage of May 3, 1999, several areas of the City were badly damaged. In order to assist the areas most badly affected, it is necessary to undertake emergency repairs and clean-up.

Several City departments have been and are undertaking extraordinary efforts to assist storm victims, clean-up damaged areas, open roads, and restore public services to those victimized by the storm. In order to effect the clean-ups and repairs, it has been necessary to purchase tools and equipment, and to pay overtime to City staff. Additionally, the City is paying meal and lodging expenses for employees from the Cities of Lawrence and Lenexa who have come to Wichita to assist in the clean-up efforts.

To pay for emergency equipment and per diem costs, it is proposed that the City establish a project account. Preliminary estimates from departmental management staff place the total of these non-personnel costs at up to \$1 million with personnel overtime at an additional \$1 million. Equipment rental and purchase costs, as well as the per diem costs for Lawrence and Lenexa volunteers cannot be absorbed

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 278

Steve Lackey

Public Works Director reviewed the Item.

On May 3, 1999, the night of the tornado, several persons were tracking the weather systems and knew early in the evening there were tornadoes sighted in Oklahoma and along the Kansas border. About an hour before the tornado hit Wichita, supervisors were called and advised that there might be problems. Shortly thereafter, the sirens were being sounded and there had been damage around Peck and Clearwater, Kansas.

At approximately 8:00 p.m., it became apparent there was damage in Haysville and south Wichita and the Emergency Operations Center (EOC) was activated. The City and Sedgwick County Public Works Directors and personnel, as well as City and Sedgwick County Fire and Police personnel responded and were on the street.

When the EOC is activated, the agencies in both the City and County respond and begin to coordinate and stage activities in preparation of rescue and recovery. At about 1:30 a.m., May 4, 1999, it became apparent that there was not much more that could be done by the Public Works Departments except to barricade the streets and secure the areas in the City and the County. The primary reason that was about all that could be done at that time was because of the number of downed power lines causing the roads and streets to be closed. There were also leaking gas lines which needed to be shut off.

The Police and Fire Departments had begun rescue efforts, some of which were assisted by Public Works. At approximately 3:00 a.m., May 4, 1999, in a staff meeting, it was decided that Staff would report back in a few hours to begin a total assessment of what needed to be done in the City of Wichita. Every barricade available was used to barricade damaged streets. The following day, May 5, 1999, crews were dispatched to begin opening streets so emergency vehicles, contractors, vendors, and citizens could return to their neighborhoods.

Public Safety personnel set up staging areas at 31st and Seneca, Harry and George Washington, I-235 and Seneca, and at 71st and Seneca. Public Works Staff coordinated with Police and Fire personnel to facilitate their needs. Public Works Supervisors were also assigned to different quadrants to coordinate clearing of roadways within the City.

A map was developed identifying areas within the corporate limits of the City of Wichita in which City personnel have been working. The map starts at 55th Street South (City limits) and Seneca and progresses north to around 13th Street and Edgemoor. There is damage even further north but is minimal in terms of trees and structures. From the southern portion to the northern portion, the damage is worse at 55th and Seneca. Crossing the Interstate, in the neighborhood around 35th and Gold, there is significant structural damage. Around Pawnee and Harry there is structural damage. After passing Kellogg, going north, the damage is mostly trees and some roofs. It appears that the tornado sat down around 87th and Exposition, just south of Haysville, and went through Haysville. The tornado then progressed on the ground through the area of around 35th and Gold. The tornado started to lift, although there is still significant structural damage, north of 31st Street South. The F-4 tornado significant damage was in the southern portion. The area totals approximately nine miles inside the city limits. Included in the damage is probably an additional four miles outside the city limits in unincorporated areas and Haysville.

In Public Works, Park, and Sewer, there are approximately 200 employees dedicated to the clean-up who are working six ten-hour days.

Assistance has been received from Murphy Equipment (donated three pieces of equipment), Dooling Construction (donated one person and a piece of equipment), City of Lenexa, City of Lawrence, City of Hutchinson, City of Salina. Help will be received from the City of Topeka. Kansas City, Missouri, and Overland Park, Kansas, have offered assistance and discussions will be held with them shortly. The Kansas Department of Transportation has given ten persons and equipment. The National Guard has assisted with six persons and equipment.

Over all, with all the assistance from other communities (which is free except for lodging and meals), an additional 50 employees have been received to assist in the clean-up. The City has received approximately 25 percent free employees and equipment for the clean-up effort.

The wood waste is being taken to 57th and Hydraulic – the site of the Wastewater Treatment Plant No. 2. Two tub grinders have been rented for tree grinding at the 57th and Hydraulic location. A second site is being set up at the Chapin Landfill where another tub grinder will be set up. The three tub grinders will be kept busy. The sites are being supplied at the rate of approximately one truck per minute. Thus far, the City has hauled over

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 279

2,700 loads of tree debris to these sites. An additional 500 loads, not wood waste but strictly structural damaged goods that cannot be run through a chipper, have been hauled to Brooks Landfill. A total of a little over 3,000 loads have been hauled through May 10th, 1999, which equates to about one truck per minute.

It is planned to maintain the records of the time for all personnel and to apply for reimbursement through FEMA. The debris removal will be paid for 100 percent through June 3rd. In an incident such as this, the normal practice is to pay 100 percent through the first week. The Federal Government has extended the 100 percent payment through June 3rd. The reimbursement pays for removal of debris. It does not pay for 100 percent of the Public Safety personnel. Public Safety personnel were paid for 100 percent the first week and will be paid for 85 percent for the remainder of the time. All of the overtime pay, equipment expenses (including rentals and purchases) will be paid 100 percent by FEMA.

FEMA and State of Kansas Emergency Management have been extremely helpful. The first night, while at the EOC, a man from Topeka was already present and was giving guidance and assistance to ensure the City can recover resource losses from cleanup.

The City of Wichita, Public Works alone, is expending approximately \$2 million per month on the cleanup effort. It is probably going to take approximately two months to get the cleanup taken care of.

The volunteer help from the other cities can be applied as a local match. When the City gets into an eight-five/fifteen percent split, in terms of cost (particularly for Public Safety expenses), the volunteers that have been donated by other cities can be used as the fifteen percent match.

The effort is being managed from a debris pick-up standpoint as well as from a fiscal standpoint. Certainly, FEMA and the State of Kansas have been a tremendous benefit in that regard.

Chris Cherches

City Manager said, that to pay for emergency equipment, make emergency purchases as needed, and to establish an expense account from which to pay the expenses as rapidly as possible, the City Council is asked to allocate \$1 million from the City's Self-Insurance Fund and to authorize emergency purchases, as needed, from the fund.

Motion --

-- carried

Knight moved that the Report be received and that \$1 million be allocated from the City's Self-Insurance Fund and to authorize emergency purchases, as needed, from the fund. Motion carried 7 to 0.

CITY COUNCIL AGENDA

ADDENDUM ITEM 4B
**WESTERN
RESOURCES/KCPL**

REPORT ON WESTERN RESOURCES/KCPL MERGER HEARINGS.

(Requested by Mayor Knight)

Mayor Knight

Mayor Knight said, "It is my view that our efforts to achieve rate fairness is not receiving a fair hearing in Topeka. The initial findings and recommendations of the Staff of the Kansas Corporation Commission, some months back, I thought, were very encouraging. The principle of electric rate parity was affirmed by that professional independent staff."

The Kansas Corporation Commission filed significant rate reductions on behalf of the KGE service area in this hearing. Even the Kansas Corporation Commission Staff, now, appears to be back pedaling and endorsing a proposed settlement that would provide no electric rate reduction for the next four years.; There is no reference to rate parity in the proposed settlement that Mayor Knight, the director of Law, or anyone representing the City of Wichita has seen. "It becomes obvious, to me, that even the small rebates, in the settlement that is being proposed, will be shared among all customers, even those in the KPL service area which already enjoy electric rates more than 35 percent below those in Wichita, south central, and southeast Kansas. Having received no fair consideration from Western Resources, it is becoming obvious, now, that the KGE customers of Western Resources will also receive no fair consideration from our Kansas Government and, more specifically, from the Kansas Corporation Commission. There is no commitment to fairness in electric rate parity in the proceedings that are unfolding in Topeka, Kansas. There is not even a commitment to rate reductions. The only party being afforded any favorable consideration, in my view, is Western Resources and its stockholders.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 280

"I believe that corporate greed, in its very worst form, is alive and well before the Kansas Corporation Commission. Yesterday morning, I offered testimony before the Kansas Corporation Commission. The attorney from Western Resources, along with some other attorneys from the City of Topeka and the northeast part of the State, were not interested, in my view, in the underlying unfairness of an entire group of customers from the same company, Western Resources, paying far higher rates. Instead, they continued to trivialize, in my judgment, the burden that this City and our neighbors in south central and southeast Kansas have had to absorb, now, for over six years.

"We saw, last summer, when KGE electricity was sent north to fill the gap for KPL customers, while KGE customers were threatened with brown-outs and loss of electric power, as to the concerns for our area from Western Resources.

"Yesterday, the Western Resources attorney tried to convince me and the Kansas Corporation Commission that higher electric rates in Wichita were not a negative in our economic development efforts. I find that position laughable. I cannot believe any serious minded student of global competition, of even inter-regional competition, would even dare place that kind of assumption forward; yet, it was done so and it was done so without a smile.

"I know, only too well, that every community, regardless of whether it is Wichita, Kansas, Topeka, Kansas, or any of our other neighbors in this State, certainly has to measure utility rates when they are trying to either keep existing businesses or attract other businesses. Electric rates are an issue, particularly when you suffer from the rate disparity that we suffer from in this community.

"Western resources and the Kansas Corporation Commission cannot make this problem go away by killing the messenger - in this case, me. Since the merger of Kansas Gas and Electric and Kansas Power and Light, Wichita has, alone, just in the city limits of Wichita, Kansas,- this does not take into account Boeing, Vulcan, Raytheon, Cessna, or Learjet - paid more than \$630 million in higher electric costs due to the current rate disparity. Now, KGE customers of Western Resources are being asked to let this go on for another four years with no rate reduction so that Western Resources can use the \$83 million annually in the rate disparity we are currently paying in Wichita, along with the equally high payments in the rest of the KGE portion of Western Resources, to pay for the latest merger plan. And, there is no promise of any rate reduction, even after the four-year period, only a rate review. This is leading me to my conclusions to my colleagues.

"It is apparent, to me, that neither Western Resources, in its current form, or later in its larger merged form, nor the Kansas Corporation Commission care about rate fairness. Wichita and its citizens must be prepared to look to other venues to address our grievances on this matter. I think we finally have to acknowledge the reality and look beyond the current merger proposal pending before the Kansas Corporation Commission. As the weeks and as the months unfold, I will be coming back to my colleagues on this Council and proposing a variety of actions including the following:

- 1) The City of Wichita should vigorously pursue and appeal to the Federal Energy Regulatory Commission of the current rate disparity. It is obvious that KGE is a subsidiary of Western Resources in name only. Financially, Western Resources has one group of shareholders. Operationally, Western Resources only has one generation and distribution system. Hopefully, in a more neutral and objective regulatory environment outside of the now politicized environs of the Kansas Corporation Commission, Wichita can secure a fair hearing on this issue. It is not just Wichita – it is tens of thousands of our neighbors throughout south central and southeast Kansas
- 2) The City of Wichita should move forward with the exploration of the municipal energy agency concept to see if we can work in concert with our neighbors to reduce the cost of energy on a spot basis if not across-the-board.
- 3) It is also time for the City of Wichita to pursue the feasibility of a city owned and operated electric utility to eventually replace Western Resources as the electricity service provider in Wichita. The current KGE Franchise Agreement is not an exclusive agreement. In any event, the current KGE Franchise Agreement expires on March 1, 2002. Wichitans may well find that their future is best managed in Wichita by Wichitans and not by Western Resources in Topeka, Kansas City, or Wall Street.

I am personally sincerely disappointed it has come to this point. Those of us who live in the KGE service area of Western Resources have common cause with the rest of Kansas. We have never sought – the City Council and the City of Wichita's position – we have never sought to raise the electric rates in Topeka or anywhere else in the

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 281

KPL service area. We do not desire to impede the growth of Western Resources or any other company. We had hoped that others would agree on a simple premise and a promise of electric rate parity and fairness. Instead, Western Resources, my good friend Mayor Joan Wagnon of Topeka, and now it appears very likely that the Kansas Corporation Commission have made this issue one of greed rather than one of fairness.

It is difficult to be adversaries with our neighbors around the State of Kansas, particularly in northern Kansas, but it is not neighborly to force this City and our neighbors in south central and southeast Kansas to pay literally hundreds of millions of dollars in higher electric rates to preserve the presence of one company in Topeka, Kansas. It is also not neighborly to force us to pay hundreds of millions of dollars in higher electric rates so that the stockholders in one company can secure corporate welfare through coverage of all costs as well as a high return on investment while customers get nothing. This is not being a neighbor. I would define it as being a predator.”

“It is my hope this Council will retain its resolve and its commitment to do what is right on behalf of our 330,000 citizens but, just as importantly, on behalf of the tens of thousands of our neighbors in south central and southeast Kansas that suffer from the same consequences.”

“I believe that they did their best to, certainly, attack me and, in attacking me, they are attacking this City and the sense of fairness that we stand for. As citizens of this State, that represents at least one-seventh or one-eighth of its population, we deserve equal standing. I believe we have to maintain the resolve to pursue this to whatever lengths we have to. I believe that the truth is on our side. I believe that fairness is on our side. I think good judgment and logic is on our side.”

Margalee Wright

Margalee Wright, former Mayor of the City of Wichita and former member of the Kansas Corporation Commission, said that for the last almost fifteen years this has been a difficult issue with Wichita and KGE. “I think, Mayor Knight, that you are making some excellent points that need to be considered, particularly your comments about neighborliness. One of the values that I hold very dear is that we are all in this together – not only as a community but as a State. I hope that, as the process unfolds, that will be kept in mind.”

Gary Rebenstorf

Director of Law stated that, from the standpoint of the hearing yesterday, the Mayor was very forceful in saying what the City’s position is – the fairness issue of what the rates should be. Western and the other cities participating in the hearings do not want to hear that message. There is testimony from the Mayor and from the expert from R.W. Beck that will back up the presentation the City of Wichita is making in the merger hearing that the rate disparity is a tremendous problem and it needs to be addressed.

Mayor Knight

Mayor Knight said there was a summary of Kansas Corporation Commissioner Brian Moline’s statement that expressed as skepticism about the Mayor’s argument that KGE customers should have first claim on any rate relief resulting from the merger of Western Resources and Kansas City Power and Light. Mayor Knight said he was unable to respond to Mr. Moline’s statement because of the way it was made, and because of the protocol of the Commission; however, what he wanted to tell Mr. Moline, “who I have a high regard for, is that he does not have to take our word for it. He can read his own professional staff’s assessment. They clearly concluded this issue and it was concluded in agreement with the City of Wichita and their filed recommendation on this matter before the Kansas Corporation Commission. What they recommended was \$24 million a year for the KGE service area and some thought that was less than sufficient. Contrast that, now, with what is being discussed. They also took the position that those funds ought to go, first of all, to the KGE service area because of the historic imbalance.

“As to my friend, the Mayor of Topeka, who he seems to be very concerned about, I think it is really irrelevant if Mayor Joan Wagnon agrees with our position or not. What we are concerned about are the facts of the case and the facts are there for the Commission to review.

“Finally, it should come as no surprise that I believe that to continue this rate disparity is unconscionable, and to ignore it in the ruling and only deal with the merger will amount to nothing more, to me, than caving in to the enormous political influence and the economic influence that Western Resources possesses.”

Council Member Rogers

Council Member Rogers commended the Mayor for his perseverance. The position the Mayor has been putting forth has been unanimously voted on in the past by the City Council as the position of every Council Member.

Others have attempted to change what the City of Wichita’s position actually is. Never has anyone on this Council talked about increasing rates for Topeka or anyone else. That statement has never been heard in

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 282

personal conversations or formally from this Body. The City Council has always only talked about parity and paying the same rates for the same services which, incidently, the City of Wichita has not always received.

"I will be forcefully and overtly doing what I believe is correct and what I believe what is morally right. As long as you are pursuing this course you will have an ally from District I.

Council Member Pisciotte Council Member Pisciotte said he wanted to do everything he could to lend support to Mayor Knight's effort.

Council Member Pisciotte said he intends to ask Staff, at the retreat, to being to take a look at the possibilities of developing the City of Wichita's own electric delivery system in the year 2000.

CONSENT AGENDA

Knight moved that the Consent Agenda, except Item No. 6, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 10, 1999.

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION:

1999 Sanitary Sewer Rehabilitation Program, Phase C (468-82992/620259/669384)

Insituform Technologies - \$125,160.98

Lateral 21, Main 13, Southwest Interceptor Sewer – Hunters Ridge and Pawnee Mesa Additions. (468-82971/743795/480483)

Ditch diggers LLC - \$65,251.00

Water Distribution System – Hunters Ridge and Pawnee Mesa Additions. (448-89374/734922/470592)

Ditch Diggers, Inc. - \$67,050.00

Storm Water Sewer #501 – Prairie Woods Second Addition. (468-82824/751273/485164)

Mies Construction - \$25,000.00

Paving Stoney Point, Westgate, Westgate Circle, Haskell, and sidewalk – Prairie Woods Second Addition (472-82934/765548/490659)

Ritchie Paving - \$188,701.00

Lateral 21, Cowskin Interceptor Sewer – Auburn Hills Clubhouse and Commercial Second Additions. (468-82982/743792/480482)

Nowak Construction - \$9,283.00

Knight moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bids within the Engineer's construction estimate. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/FLEET AND BUILDINGS DIVISION: Interior Remodel of Check-in /Check-out Counters & Information Center (791814)

Commerce Construction Services, Inc. - \$33,283.00 (Total Net Bid)

PUBLIC WORKS DEPARTMENT/FLEET AND BUILDINGS DIVISION: Rehabilitation of 1137 North Broadway (791814)

Baker Drywall and Construction	\$36,000 (Total net Bid)
	\$16,000 Add Alt #1
	\$ 2,500 Add Alt #2
	\$ 5,000 Add Alt. #3

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 283

PARK DEPARTMENT/GOLF COURSE MAINTENANCE DIVISION: Utility Tractor and Industrial Tractor (170241)

Price Brothers Equipment	\$24,500 (Item 1/Total Net Bid)
	\$ 350 (Item 1 Option 2)
Wichita Ford Tractor	\$14,471 (Item 2/Total Net Bid)

WATER AND SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Tractor (183632)

Western implement Co., Inc. \$16,799 (Total Net Bid plus app. Sales tax)

WATER AND SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Smith Blair Couplings (183327)

D.C. &B. Supply, Inc. \$8,640 (Total Net Bid plus app. Sales tax)

HUMAN SERVICES DEPARTMENT/WHA DIVISION: Tree Maintenance (127001)

TruGreen-Chemlawn	\$ 10	Item 1/Class I; Tree Type I Prune/each)
	\$ 10	Item 2/Class I; Tree Type II Prune/each)
	\$ 10	Item 3/Class I; Tree Type III Prune/each)
	\$ 45	Item 4/Class II; Tree Type I Prune/each)
	\$ 50	Item 5/Class II; Tree Type II Prune/each)
	\$ 65	Item 6/Class II; Tree Type III Prune/each)
	\$185	Item 7/Class III; Tree Type I Prune/each)
	\$200	Item 8/Class III; Tree Type II Prune/each)
	\$225	Item 9/Class III, Tree Type III Prune/each)
	\$ 10	Item 10/Removal Class I/per each
	\$ 100	Item 11/Removal Class II/per each
	\$350	Item 12/Removal Class III/per each

Knight moved that the contracts be awarded as outlined above, subject to check. Motion carried 7 to 0.

(Item No. 6)

LICENSE APPS.

APPLICATIONS FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS/SERVICES:

New Escort Service 1999

Jacqueline A. Horne	4-Play (and) Jackie "O" Production	401 East Douglas.
George Watley	Entertainment 2000	1328 East Douglas

Mayor Knight Mayor Knight inquired whether the Council had any control over the names of the establishments.

Gary Rebenstorf Director of Law said the Council should approve the licenses. Other issues will be reviewed by the Law Department.

Motion -- carried Knight moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES.

New Operator 1999 (Consumption on Premises)

Angel Lopez	El Padrino*	2005 South Seneca
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*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion -- carried Knight moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 284

PLANS AND SPECS.

PLANS AND SPECIFICATIONS:

- a. Fire hydrant to serve North Vine, between First and Second Streets North - north of First Street, west of Seneca. (448-89251/734459/470523) Does not affect existing traffic. City Council approval date: 4/7/98. (District VI)
- b. 1999 sewer response plan raise buried manholes, Set 1. (468-82979/620254/669379) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District V)
- c. Pedestrian Signal, Phase I - on Seneca at the Indian Center Museum. (472-83097/710212-A/239074) Traffic to be maintained through construction. City Council approval date: 4/27/99. (District VI)
- d. Sidewalk at the Indian Center, Phase II - south of Central, west of Seneca. (472-83097/710212-B/239074) Does not affect existing traffic. City Council approval date 4/27/99. (District VI)

Motion --
-- carried

Knight moved that the Plans and Specs be approved and advertised for bids to be submitted to the Board of Bids by 10:00 a.m., May 21, 1999. Motion carried 7 to 0.

- a. Eastern Bridge at Gypsum Creek - south of Kellogg, east of Rock Road. (87 BRO-N-0088-01; 472-83067, 448-89318/716673; 635532/248081; 544653) Bridge to be closed during construction. City Council approval date: 6/2/98. (District VI)

Motion --
-- carried

Knight moved that the Plans and Specs be approved and advertised for bids to be submitted to the Board of Bids by 10:00 a.m., June 11, 1999. Motion carried 7 to 0.

SUBDIVISION PLANS AND SPECIFICATIONS.

- a. Water Distribution System to serve (north of Douglas, west of 127th Street East). 448-89355/734919/470589 Does not affect existing traffic. City Council approval date: 1/12/99. (District II)
- b. East First Street Circle from the east line of Jackson to and including the cul-de-sac (north of Douglas, west of 127th Street East). 472-83060/765572/490683 Does not affect existing traffic. City Council approval date: 1/12/99. (District II)
- c. 151st Street West from the north line of US Highway 54 north to the north line of Hendryx (north of Kellogg, east of 151st Street West). 472-82904/764944/490596 Contractor to provide access to businesses and street intersections. City Council approval date: 2/10/98. (District V)

Motion --
-- carried

Knight moved that the Plans and Specs be approved and advertised for bids to be submitted to the Board of Bids by 10:00 a.m., May 21, 1999. Motion carried 7 to 0.

PRELIMINARY EST.

PRELIMINARY ESTIMATES:

- a. 27th Street North from the east line of Amidon to the west line of Coolidge Gilder's Court, Gilders Riverside, and Diamond Additions - ½ mile west of Amidon and 25th Street North. (472-82888 /764670/490569) Traffic to be maintained through construction. City Council approval date: 11/18/97. (District VI) - \$108,580.00
- b. Bullinger from the north line of 25th Street North to 120 feet north of the north line of 26th Street North Northwest Heights, Northridge, and Quaker Heights Additions - ½ mile west of Amidon and 25th Street North. (472-82943/765263/490628) Traffic to be maintained through construction. City Council approval date: 08/11/98. (District VI) - \$137,500.00
- c. Lateral 74, Main 17, Sanitary Sewer #22 to serve Unplatted Tract in Section 31, Township 26S, Range 1E - north of 33rd Street North, east of Amidon. (468-82917/743757/743757) Traffic to be maintained through construction. City Council approval date: 11/10/98. (District VI) - \$7,560.00

Motion -- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 285

PETITIONS

PETITIONS FOR PUBLIC IMPROVEMENTS:

PAVE 29TH STREET NORTH - WEST OF GREENWICH ROAD. (District II)

Agenda Report No. 99-437.

The signature of the Petition represents 100% of the portion of the improvement district that is not owned by the City of Wichita.

The project will provide paved access to the City's new northeast Soccer/Baseball Complex and private property.

The estimated project cost is \$201,600 with \$163,400 paid by the City and \$38,200 assessed to the industrial park. The funding source for the City share is General Obligation Bonds. Funding for the City share will be programmed in the Year 2000 Capital Improvement Program as a replacement for Hellers Park improvements.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-151

Resolution of findings of advisability and Resolution authorizing improving of 29th Street North from the west line of Greenwich Road to 855 feet west of the west line of Greenwich Road in the southeast quarter, Section 33, Township 26 South, Range 2 East, Project No. 472-83069 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

CONSTRUCT A SANITARY SEWER TO SERVE THE AUBURN HILLS GOLF COURSE CLUBHOUSE AND AUBURN HILLS COMMERCIAL SECOND ADDITION - SOUTH OF MAPLE, WEST OF 135TH STREET WEST. (District V)

Agenda Report No. 99-438.

The Petition has been signed by one owner representing Auburn Hills Commercial 2nd Addition. The balance of the improvement district is Auburn Hills Golf Course property owned by the City of Wichita.

The project will extend sanitary sewer service to the golf course clubhouse and maintenance building area, and an office/retail development.

The estimated project cost is \$32,000, with \$10,700 assessed to the City's property, and \$21,300 assessed to the Auburn Hills Commercial 2nd Addition. The funding source is the Auburn Hills Golf Course project budget.

Motion-- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-152

Resolution of findings of advisability and Resolution authorizing construction of Lateral 21, Cowskin Interceptor Sewer (south of Maple, west of 135th Street West) Project No. 468-89282 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

CONSTRUCT A LEFT-TURN LANE TO SERVE CALIENDO ELEVENTH ADDITION - WEST OF WEBB, SOUTH OF HARRY. (DISTRICT II)

Agenda Report No. 99-439.

The Petition has been signed by two owners representing 100% of the improvement district.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 286

These improvements will serve a new office/retail development.

The estimated project cost is \$11,000. The funding source is special assessments.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-153

Resolution of findings of advisability and Resolution authorizing improving of left turn lane in Webb Road, from the south line of Lot 1, Caliendo Eleventh Addition, to the north line of Lot 2, Caliendo Eleventh Addition, Project No. 472-83103 (west of Webb, south of Harry) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Code Standards and Appeals, 4-5-99

Board of Electrical Appeals, 4-13-99

Board of Health, 4-21-99

CPO Northeast Council 1, 4-26-99

CPO East Council 2, 4-26-99

CPO Southeast Council 3, 4-22-99

CPO Southwest Council 4, 4-22-99

CPO Northwest Council 5, 4-28-99

CPO North Central Council 6, 4-28-99

Library Board, 4-20-99

Wichita Employees' Retirement, 3-17-99

Wichita-Sedgwick County Emergency Communication, 4-15-99

Motion - carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

ANNUAL REPORT

ANNUAL REPORT OF ADVISORY BOARDS/COMMISSIONS.

Police and Fire Retirement Board, 1998

Motion --

Knight moved that the Report be received and filed. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 99-462.

In accordance with the Special Events Procedures, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

Blessed Sacrament School
Quintin Street (Douglas to First Street)
May 13, 8:00-9:00 a.m.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Knight moved that the request be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 287

Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

-- carried

CHANGE ORDERS

CHANGE ORDERS:

AUBURN HILLS GOLF COURSE - SOUTH OF MAPLE, EAST OF 151ST STREET WEST. (District V)

Agenda Report No. 99-440.

On September 15, 1998, the City Council approved the construction contract for the Auburn Hills Golf Course. Irrigation wells will provide water to maintain the fairways and putting greens.

The location of the pump site for the irrigation wells was unknown at the time of letting because the State permitting process had not been completed. The location has now been approved and a Change Order negotiated to extend electrical service to the site.

The cost of the additional work is \$11,525 and is to be paid by Auburn Hills Golf Course project funds set aside for this purpose.

Motion --
-- carried

Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

BROADWAY IMPR.

BROADWAY IMPROVEMENT - DOUGLAS TO CENTRAL AVENUE. (District VI)

Agenda Report No. 99-441

On July 7, 1998, the City Council authorized award of a construction contract to improve Broadway between Douglas and Central art of the work includes installation of brick pavers and concrete in sidewalk areas.

The original plans included a small area of brick pavers at the entrance to the historic Orpheum Building. It is proposed that the project be expanded to include the sidewalk along the Broadway side of the building. The cost of the additional work is \$17,000 and is to be paid from the Broadway Street Project, funded from General Obligation Bonds.

Motion --
-- carried

Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

BOTANICA

BUDGET ADJUSTMENT - BOTANICA.

Agenda Report No. 99-442.

The ballasted flat roof at Botanica is leaking and new leaks continue to appear; there are leaks evident in the entry/front lobby, gift shop, auditorium, library and main office areas. Staff replace ceiling tiles on a regular basis. Repair of the roof is imperative in order to prevent further water damage to the facility and its contents.

The City contributes \$250,000 annually to assist with operations at Botanica. The remainder of the approximately \$950,000 annual operating budget is funded by Botanica Inc. Botanica is currently without a permanent Director, creating some personnel savings. Approximately \$35,000 of salary savings in Botanica's 1999 Adopted Budget allocation is available for transfer from Personal Services to Contractuals to complete the repairs on the roof and other facility maintenance. The City Council authorized a similar transfer of funds in 1998 to address ADA issues and other facility needs at Botanica.

Projections indicate that there are sufficient budget savings within Botanica's \$250,000 budget to fund needed repairs and improvements on a one-time basis. Repairs and improvements are estimated at an amount not to exceed \$35,000.

Motion --

Knight moved that the budget adjustment be approved and the transfer of funds within Botanica's 1999

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 288

-- carried

adopted budget be authorized. Motion carried 7 to 0.

CSBG APPLICATIONS AMENDMENTS TO THE 1998 AND 1999 COMMUNITY SERVICES BLOCK GRANT APPLICATIONS.

Agenda Report No. 99-443.

The City of Wichita is designated as a community action agency under the Community Services Block Grant (CSBG) Act of 1984 and has received federal funds, through the Kansas Department of Commerce and Housing through this grant assistance. The CSBG funds are used to assist and provide services to low-income residents of the area.

On February 23, 1999, the City Council approved the application for the 1999 CSBG funds for the year beginning April 1, 1999. The application reflected the Human Services Department Transformation Plan and included activities targeted to low-income neighborhoods.

Since the February submittal of the application, staff from various City departments have evaluated other program needs and proposed activities that are eligible for CSBG funding. The allocation for FY 1998 will provide for programs and activities to involving Domestic Violence Prevention, Medical Screening and Treatment, Homeless Planning and Performance, and Neighborhood Clean-Up and Neighborhood Planning in low-income areas. These activities and programs have been included in the 1999 application for expenditures through September, 2000, and to the 1998 Application for expenditure through September, 1999.

The CSBG allocation to be received for Fiscal Year 1999 from the federal government is \$819, 584. No general operating funds from the City's budget are obligated by this application.

Motion -- carried

Knight moved that the amendments be approved. Motion carried 7 to 0.

BILLING EQUIPMENT REPLACEMENT OF INSERTING EQUIPMENT FOR UTILITY BILL PROCESSING.

Agenda Report No. 99-444.

The current bill inserting equipment used by the Water and Sewer Department for the processing of the 6,500 bills issued daily has been used since 1985. The vendor has informed staff that they are no longer able to maintain the equipment's electronics due to the discontinuation of the manufacture of certain computerized components. As such, the equipment was scheduled for replacement.

In summary, the equipment in question folds bills and other materials, stuffs them into an envelope, and meters the mailings in an automated process that would be prohibitively time consuming if the procedure was performed manually.

There are two vendors that market this type of equipment nationally; Bell & Howell and Pitney Bowes. Both of these vendors responded to the RFP. The functional issues contained in the RFP were responded to affirmatively by both vendors. Site visits to evaluate equipment marketed by both vendors which were proposed installation locally were conducted.

Although the systems proposed by both vendors were judged to be capable of providing the requisite level of functionality, the Pitney Bowes proposal was deemed to be superior from the perspective of overall system performance, price, and the quality of maintenance services provided. Pitney Bowes maintains a local service presence while Bell & Howell's service technicians are located in Topeka.

The Pitney Bowes equipment was bid at \$101,112.50 including tax. Annual maintenance costs are quoted at \$13,714. A budget of \$118,000 was established for the purchase of the equipment in 1998. It is necessary to temporarily transfer \$112,000 from Water Utility contingency (183004/5300) to the Customer Services division's capital outlay budget for office machines (183103/4402). Contingency would be reimbursed to its original level via the 1999 Revised budget process. Finance has reviewed and approved this item.

Motion -- carried

Knight moved that purchase be approved and the budget transfer be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 289

HYDRAULIC IMPR.

SOUTH HYDRAULIC PAVING AND DRAINAGE IMPROVEMENTS, FROM MACARTHUR TO THE SOUTH CITY LIMITS. (Districts III and IV)

Agenda Report No. 99-445.

On April 27, 1999, the City Council authorized Staff to begin the process to obtain preliminary engineering plans to improve Hydraulic south of MacArthur, and conduct a drainage study of the surrounding neighborhoods.

Design firms will be solicited to perform the work. A negotiated contract will be returned to the City Council for approval.

The estimated cost of the study is \$350,000. Financing strategies to pay for the work will be presented to the City Council at the time of contract approval.

Motion --

Knight moved that the Staff Screening & Selection Committee to select a Design Engineer; and that a negotiated contract be returned to the City Council with alternative financing strategies. Motion carried 7 to 0.

-- carried

COMPUTER/DATA

WATER TREATMENT PLANT COMPUTER SYSTEM UPDATE – Y2K.

Agenda Report No. 99-446.

The City has one water treatment plant, which treats all of the City's water to meet safe drinking water regulations. The plant utilizes a computer system to monitor and operate all of the essential equipment at the treatment plant. This computer system was judged to be essential operational equipment and given a high priority for determining its Y2K compliance. It has been determined that the existing system is not Y2K compliant. On March 30, 1999, the City Council authorized a project to upgrade this computer system to achieve Y2K compliance with a budget of \$175,000 as part of CIP W-115.

On April 13, 1999, the City issued a Request for Proposals to upgrade the plant computer system. Proposals were sent to nineteen (19) potential vendors. The City received one response from A.W. Schultz, Inc., from Lenexa, KS. They have offered to upgrade the existing system to a platform that is more widely available than the current system and complete the work within 126 calendar days. This schedule should allow for the new system to be operational by the end of September 1999.

The proposal from A.W. Schultz is for \$127,000. The contract includes liquidated damages of \$1,000 per day for each day past the contract time, but also offers incentive payments of \$1,000 per day if the project is completed prior to the contract time, up to 20% of the contract amount. Hardware for the new system will be purchased separately. A new project, CIP W-805, Water Treatment Plant Computer System Upgrade - Y2K, will be created by transferring the authorized budget of \$175,000 from CIP W-115 to CIP W-805. There will be no increase in the total CIP funding.

Motion --

Knight moved that the proposal from A.W. Schultz be accepted; the Resolution be adopted; the Notice of Intent to Publish be accepted; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

RESOLUTION NO. R-99-154

A Resolution of the City of Wichita, Kansas, declaring it a necessity to construct, reconstruct, alter, repair, improve, extend, and enlarge the Water and Sewer Utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$127,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 290

HOMELESS GRANT

GRANT APPLICATION - HOMELESS ASSISTANCE.

Agenda Report No. 99-447.

The Department of Housing and Urban Development (HUD) has issued a Notice of Funding Availability (NOFA) for the 1999 Continuum of Care Homeless Assistance Program. This NOFA makes funds available for the Supportive Housing Program which includes transitional housing, supportive services and Safe Havens; Shelter Plus Care; and the Section 8 Moderate Rehabilitation Single Room Occupancy Program for Homeless Individuals.

The Homeless Task Force has been working with the United Way of the Plains to prepare and submit an application for the Wichita-Sedgwick County area.

The United Way has been working with the Homeless Task Force in the implementation of the community process to prioritize the projects which will be included in the application. A committee of community volunteers will meet May 3 and May 6 to review and rank the proposals which have been submitted. The application will be submitted to HUD by the United Way of the Plains on behalf of the sponsoring agencies. If HUD approves funding for any of the projects, the grant agreements will be between the agency and HUD, and the City of Wichita will have no fiscal or other responsibility for project implementation or oversight.

The application will include seven projects, four of which are currently funded and which are seeking renewal funding for the next three years.

Project Name	Amount	Agency
Purchased Transitional Housing	\$161,30	UMUM
Leased Transitional Housing	\$293,595	UMUM
Safe Haven	\$288,984	Inter-Faith Ministries
BRIDGES Program	\$225,502	Wichita Children's Home
Supportive Services for Homeless Persons With Mental Disabilities	\$137,875	Breakthrough Club
Permanent Housing for Persons with Disabilities	\$249,900	Inter-Faith Ministries
Employment Related Supportive Services	\$167,158	Episcopal Social Services

The Purchased Transitional Housing project is a collaborative effort of United Methodist Urban Ministry (UMUM), New Hope, Inc., and Mennonite Housing Rehabilitation Services. The three agencies collaborated in the original project funded in 1996 and purchased and renovated 11 houses to be used for homeless families to make the transition from emergency shelter to permanent independent living. The current request is for renewal funding to continue case management to provide the required supportive services that must accompany transitional housing. Additional resources of UMUM, New Hope and other community service providers will increase the supportive services available to the residents of these units directed to achieving permanent independent housing.

The BRIDGES transitional living program sponsored by the Wichita Children's Home provides supervised living arrangements, life skills training, and supportive services to homeless individual 10 to 21 years of age. This proposal would expand the program from 18 to 26 units. This is a request for renewal funding for an existing program.

The Leased Transitional Housing program is similar to the purchased housing described above. However the units would be leased for a period of three years. Efforts would be made to assist the families in this program to purchase the units at the time they are ready for the transition to independent living. The proposal is for 12 leased units. The project sponsor is United Methodist Urban Ministry, and is requesting renewal funding.

The Safe Haven provides a safe, secure, non-threatening, non-institutional and supportive environment for severely mentally ill homeless individuals. The goal is for the individuals to become stabilized and participate in available mental health and other services and eventually move to more traditional forms of housing. The facility can house a maximum of 20 persons at any given time. The project is operated by Inter-Faith Ministries.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 291

The Supportive Services program for residents of transitional housing with mental illness would provide outreach, support project participants in continuing their education, find and keep employment in the community, locate and store furniture donations for use by project participants locate affordable housing and provide start up assistance to help program participants move to permanent housing.

The Permanent Housing for Persons With Disabilities would use funds to acquire and renovate a four apartment complex and construct two new adjoining units. Funds would also be used to assist in the funding of necessary supportive services which would enable persons with chronic mental illness maintain independent living.

The Employment Related Supportive services project proposed by Episcopal Social Services will provide employment assistance to employable homeless individuals and will serve as a central resource for obtaining and maintaining employment with the ultimate goal of self-sufficiency.

The amount of funding available to programs in the City of Wichita will depend on the number of geographic locations which submit applications under this NOFA. HUD will make these calculations after all applications have been submitted. Preliminary calculations indicate that the Wichita-Sedgwick County area may be eligible for approximately \$1.014 million.

All matching funds required by the projects included in this grant would be provided by the sponsoring agencies. Support by the Council for the application obligates no funding from the City of Wichita

Motion --
-- carried

Knight moved that submission of Continuum of Care Application be supported; and the necessary signatures be authorized. Motion carried 7 to 0.

US 54 SERVICES CONTRACT

CONTRACT FOR PROFESSIONAL SERVICES FOR ACQUISITION AND RELOCATION FOR US-54 RECONSTRUCTION PROJECT. (District II, V)

Agenda Report No. 99-448.

The design of the Tyler Road/Maize Road Interchange project and the Woodlawn Avenue Interchange project are being finalized. These two projects will require the acquisition of all or part of approximately 64 tracts. Federal and/or State funds are expected to be utilized in these projects, necessitating Federal relocation procedures. In addition, in October 1998, the City Council authorized opportunity purchases in the undeveloped portion of the Kellogg (US-54) corridor. This area is from Edgemoor to K-96 on the east side of Wichita and from east of Tyler Road to 151st Street West on the west side of Wichita.

On February 23, 1999 the City Council authorized staff to solicit proposals nationwide for acquisition and relocation assistance. Proposals were received and evaluated by the Staff Screening and Selection Committee. From this evaluation, four firms were invited to make personal presentations.

Due to the time constraints of the projects, ability to accomplish the assignment in a timely manner was of prime importance in the evaluation of the proposals. Firms were also judged on experience in the area, experience with KDOT, price and overall experience. Based on the above, the Staff Screening and Selection Committee unanimously recommended Land Acquisitions, Inc. To perform the acquisitions and relocations.

The contract is based on an hourly basis with a maximum cost of \$1,500 per negotiation, \$2,200 per residential relocation, and \$2,600 per business relocation. The exact number of negotiations and relocations will depend on the final project design. The total cost of the project, as currently designed, is estimated to be \$225,000. Ordinances have been approved for purchases throughout the Kellogg corridor. Right of way costs will be funded with local sales tax revenues.

Motion --
-- carried

Knight moved that the contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 292

EASEMENT AGMT. EASEMENT ENCROACHMENT AGREEMENT. (District II)

Agenda Report No. 99-449.

The agreement allows Clifford A. Nies to occupy and construct for Nies Rockhill Office Park improvements on, over and across the aforesaid public easement described as 10 feet in width, along the west side of Lot 1, Brad Boone Addition, Wichita, Sedgwick County, Kansas, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The street address for the encroachment agreement is 7829 E. Rockhill. The improvement is to be for the north 290 feet of the east 6 feet of said utility easement for the construction of paving, concrete stoops, air-conditioning condensers, and roof overhang.

The agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line main lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

Motion -- Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried
-- carried 7 to 0.

CENTRAL AVENUE AUTHORITY TO AWARD CONTRACT: CENTRAL AVENUE IMPROVEMENT, FROM WEST STREET TO MCLEAN BOULEVARD. (District IV and VI)

Agenda Report No. 99-450.

On March 3, 1998, the City Council approved a project to reconstruct Central Avenue between West Street and McLean Boulevard. The project is financed by a combination of City General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation (KDOT). The State requires that the City enter into an agreement to authorize award of the contract. KDOT administers the bid opening and the award of contract. Bids were opened last month and Cornejo and Sons, Inc. was the apparent low bidder. Although the bid was within KDOT's construction estimate, the City's share of the cost will exceed the budget, creating a \$500,000 short fall. A new authorizing Ordinance has been prepared to increase the project budget.

The project will widen Central to five lanes with four through lanes and a center two-way left turn lane. New traffic signals will be installed at St. Paul and at Zoo Boulevard.

The current project budget is \$4,000,000 with \$800,000 paid by the City of Wichita, and \$3,200,000 paid by Federal Grants administered by the State. An Additional \$500,000 in City funds are needed. Funds are available from the 21st Street, Hood to Broadway right-of-way project.

Motion -- Knight moved that the Agreement and budget increase be approved; the necessary signatures be authorized;
-- carried and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring Central Avenue from West Street to McLean boulevard (472-82906) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

ORDINANCES SECOND READING ORDINANCES: (First read May 4, 1999)

a. Maple Street improvement, from Maize to 119th Street West. (District V)

ORDINANCE NO. 44-248

An Ordinance declaring Maple Street, from Maize to 119th Street West (472-83092) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements on said main trafficway; and setting forth the nature of said improvements, the estimated costs there-of and the manner of

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 293

payment of the same, presented. Knight moved that the Ordinance be read for the second time and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

b. Termination of individual guaranty - IRB - Printing, Inc. (District VI)

ORDINANCE NO. 44-249

An Ordinance amending Ordinance No. 42-963 and Ordinance No. 43-007; approve the form and consent to the execution of a termination of individual guaranty; authorizing execution and delivery of a second supplemental amending indenture; authorizing execution and delivery of a second supplemental amending lease, presented. Knight moved that the Ordinance be read for the second time and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

c. Unpaid sewer service charges and/or water service charges.

ORDINANCE NO. 44-250

An Ordinance making a special assessment to pay the cost of unpaid sewer service charges and/or water service charges, presented. Knight moved that the Ordinance be read for the second time and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

d. Z-3299 - North of 29th Street North and East of Penstemon. (District II)

ORDINANCE NO. 44-251

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, presented. Knight moved that the Ordinance be read for the second time and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

PLANNING AGENDA

Marvin Krout

Director of Planning stated that Items 26 through 32 could be considered as consensus Items unless the Council desired to withhold other items.

Motion --
-- carried

Knight moved that Planning Agenda Items 26 through 32 be approved as consensus Items. Motion carried 7 to 0.

S/D 95-76

S/D 95-76 - PLAT OF SEILER ADDITION LOCATED SOUTH OF 21ST STREET NORTH AND WEST OF RIDGE ROAD. (District V)

Agenda Report No. 99-451.

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

This plat is zoned LC, Limited Commercial. City water and sanitary sewer is available to serve the site.

A cash guarantee has been provided to assure the closure of a driveway required by the access controls.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion -- carried

Knight moved that the Plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 294

S/D 96-91

S/D 96-91 - PLAT OF SCHULTE INDUSTRIAL PARK LOCATED WEST OF 119TH STREET WEST AND SOUTH OF MACARTHUR ROAD.

Agenda Report No. 99-452.

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

This site is located in the County within three miles of Wichita's City limits. A zone change (SCZ-0720) has been approved for this site from SF-20, Single-Family Residential to LI, Limited Industrial.

The applicant has also provided a restrictive covenant tying the lot together with the adjoining lot to the south until the extension of municipal services to the site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion --
-- carried

Knight moved that the document and plat be approved; the necessary signatures be authorized. Motion carried 7 to 0.

S/D 98-16

S/D 98-16 - PLAT OF OAK KNOLL 3RD ADDITION LOCATED ON THE SOUTH SIDE OF PAWNEE, EAST OF ROCK ROAD. (District II)

Agenda Report No. 99-453.

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

A zone change (Z-3189) from MF-29, Multi-Family to GO, General Office was approved for this site subject to platting.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Plat be approved; the necessary signatures be authorized; and the Ordinance Z-3189 be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3189

S/D 98-30

S/D 98-30 - PLAT OF RIVERSIDE HEALTH SYSTEMS 3RD ADDITION LOCATED ON THE WEST SIDE OF MCLEAN BOULEVARD SOUTH OF 9TH STREET NORTH. (District VI)

Agenda Report No. 99-454.

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

A zone change (Z-3249) from SF-6, Single-Family Residential to GO, General Office has been approved for the western lot subject to platting. Petitions, all 100%, have been submitted for paving and sanitary sewer improvements. A Certificate of Petitions has been submitted. A temporary sanitary sewer easement was also provided. As required by the Sidewalk Ordinance, a Sidewalk Certificate has been submitted. The City of Wichita is indicated as holding an interest in this site's property ownership and a ratification document has been submitted acknowledging the plat.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 295

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Plat be approved; the necessary signatures be authorized; the Ordinance Z-3249 be placed on first reading; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-155

Resolution of findings of advisability and Resolution authorizing construction of Lateral 163, Sanitary Sewer No. 22 (south of 9th, west of McLean) Project No. 468-82983 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-156

Resolution of findings of advisability and Resolution authorizing improving of Murdock Street from the west line of Edwards Street, west to the west line of Riverside Health System Third Addition, Project No. 472-83104 (south of 9th, west of McLean) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3249

S/D 99-8

S/D 99-8 - PLAT OF SECURITY STORAGE ADDITION LOCATED ON THE NORTHWEST CORNER OF DOUGLAS AND MAIZE. (District V)

Agenda Report No. 99-455.

MAPC Recommendation: Approve the Plat.
Staff Recommendation: Approve the Plat.

A zone change (PUD-7) from SF-6, Single-Family Residential to Planned Unit Development was approved for this site subject to platting. City water and sanitary sewer are available to serve the site.

A Planned Unit Development (PUD) Certificate has been provided identifying the approved PUD and its special conditions for development.

The negative Planning Commission vote reflects the Commissioner's concern with the PUD concept for this tract of land. This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Plat be approved; the necessary signatures be authorized; the Ordinance PUD-7 be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. PUD-7

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 296

S/D 99-23

S/D 99-23 - Plat of McFarren-Bustos Addition Located on the North Side of 34th Street North, East of Amidon. (District VI)

Agenda Report No. 99-456.

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

This plat is zoned SF-6, Single-Family Residential. Municipal water and sanitary sewer services are available.

A restrictive covenant has been provided to restrict development to within 150 feet of the front lot line.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion --
-- carried

Knight moved that the document and plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

S/D 96-25

S/D 96-25 - PLAT OF CEDAR VIEW ADDITION LOCATED EAST OF GREENWICH AND NORTH OF LINCOLN. (District II)

Agenda Report No. 99-457.

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

This plat is zoned SF-6, Single-Family Residential. Although this site is within the City of Wichita, it will use the County's Four Mile Creek sanitary sewer system and petitions for sewer improvements will be handled by the County. City water is available to serve the site. A petition, 100%, has been submitted for paving. Both a City and County Certificate of Petitions have also been submitted.

In order to provide for the ownership and maintenance of the reserves, the applicant has submitted restrictive covenants.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion --
-- carried

Knight moved that the document and plat be approved and the necessary signatures be authorized; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-157

Resolution of findings of advisability and Resolution authorizing improving of Lincoln (EL of Greenwich Road to EL Lot 2, Block 1, and from EL Lot 2, Block 1, to WL Woodland Lakes Estates Addition; a continuous southbound left turn lane on Greenwich to serve Lincoln Street and; sidewalk on NS Lincoln from EL Lincoln to WL Woodland Lakes Estates Addition, Project No. 472-82696 (south of Kellogg, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

(Item No. 33)
CU-517

CU-517 - CONDITIONAL USE TO ALLOW A CORRECTIONAL PLACEMENT RESIDENCE ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF FUNSTON AND GEORGE WASHINGTON BOULEVARD. (District III)

Marvin Krout

Director of Planning reviewed the Item.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 297

Agenda Report No. 99-458.

MAPC Recommendation: Approve, subject to conditions.

CPO Recommendation: Approve, subject to Staff recommendation.

Staff Recommendation: Approve, subject to conditions.

The applicant is requesting a Conditional Use for a ? Correctional Placement Residence? to operate a chemical dependency residential treatment facility, including the treating of individuals or offenders who fit within the criteria of a correctional placement resident. The facility is located at the northeast corner of Funston and George Washington Drive, along George Washington Boulevard, and has 64 beds. The property is currently zoned ? LC? Limited Commercial. Correctional placement residences are allowed as a permitted use of ? right? in areas zoned LC, as well as other commercial and industrial districts, except when the property is located within 750 feet from a residential zone (unless it is separated by a major barrier). In this case a correctional placement residence requires a Conditional Use permit. In this request, the facility is located adjacent to ? TF-3" Two Family property on the north, east, and south.

The facility is located on a site of approximately ? acre and was used previously as a nursing home. Parallax has been operating as a chemical dependency program for 30 years and has been located at this site since April 1994. According to the applicant, the majority of its clientele has been referred by hospitals, SRS, and families for treatment. A small proportion of the clientele also fit within the criteria of a correctional placement resident due to previous offenses such as DUI. The operator stated that he only has had clients with less serious offenses such as DUI. The operator is willing to restrict the clientele to having no more than 20% of the total population fall in the category of individuals or offenders who fit within the criteria of a correctional placement resident, which would be no more than 10 individuals at any given time. This would be within the limits of the Unified Zoning Code definition of ? Correctional Placement Residence, Limited? which allows between 3 and 15 individuals at any given time.

The applicant also is seeking a variance for reduction in parking spaces required. This case will be heard by the Board of Zoning Appeals on April 23, 1999.

Adjoining land uses near the facility include single-family residences located to the north, east and south. They are zoned ? TF-3", Two-family Residence. Self-storage units, zoned ? GC? , General Commercial, and part of C.U.P. 212 are located to the west of George Washington Blvd. A retail strip center, zoned ? LC? , Limited Commercial, is located to the north, west of the single-family homes.

At the CPO(3) hearing held on April 8, 1999, the CPO Council voted 4-2 to recommend approval. The Applicant, Milt Fowler, Director of Parallax Program, Inc., stated that the program offers services to low and no income individuals for chemical and drug dependency and does not accept state parolees. Nile Dillmore, a member of the Alternative Correctional Housing Board, explained that Parallax was contacted last summer to comply with the new correctional placement ordinance, and that the request, if approved, would not change the operation of the Parallax program or change the character of the neighborhood. Kurt Schroeder, Superintendent of Central Inspections, indicated that the number of individuals who fall under the definition of correctional placement resident has ranged from none to six over the past few months. There were approximately 16 citizens who spoke at the meeting. Citizens raised concerns about the type of individuals that would be allowed in the program, and problems with parking, speeding, trash and a bad atmosphere in the neighborhood for family. The nearby commercial property tenants indicated that they were generally happier with Parallax than the previous occupants, but there were some parking issues. Mr. Fowler agreed to an additional condition to make the Conditional Use permit renewable at the end of five (5) years.

At the MAPC hearing held April 15, 1999, General Condition "C" limiting Parallax to accepting no more than ten correctional placement residents at any given time, was revised to restrict the acceptance of individuals or offenders to only those who are under court jurisdiction for traffic or misdemeanor offenses. Mr. Fowler stated that he was agreeable to this limitation. No citizens spoke at the hearing. MAPC voted 8-0 to approve. Petitions have been received protesting the proposed Conditional Use from owners representing 35 % of the property within 200 feet of the site, triggering the requirement for the City Council to consider the case, and triggering the requirement for a 6/7th majority vote of the membership to approve the Conditional Use.

Council Member Lambke Council Member Lambke said the protests were more concerned with activities and appearance of buildings. There is a lack of communication between the operators and neighbors. A thirty-day deferral would allow

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 298

Council Member Lambke to meet with the operator and neighborhood, determine what is going to be done, and see evidence of Action.

Motion -- Lambke moved that this Item be deferred 30 days and that Council Member Lambke be allowed to meet with the residents and Mr. Fowler to find a conciliatory resolution.

Council Member Rogers Council Member Rogers said facilities like this are needed. There are people with these problems all over the City.

-- carried Motion carried 7 to 0.

A 99-9

A 99-9 - ADOPTION OF A RESOLUTION ESTABLISHING A FUTURE PUBLIC HEARING ON THE ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED NORTH AND SOUTH OF HARRY, BETWEEN WEBB ROAD AND 127TH STREET EAST TO THE CITY OF WICHITA, KANSAS. (District II)

Agenda Report No. 99-459.

The resolution establishes a future public hearing date of July 13, 1999 for consideration of a unilateral annexation. The properties proposed for annexation are located in the general vicinity of Harry Street and Greenwich Road.

This is the second phase of a two-phase annexation. The first phase was officially approved January 15, 1999. The subject area of this annexation consists of approximately 22 acres and 10 properties (3 platted and 7 unplatted). The predominant land-use pattern is a mix of single-family homes and undeveloped land. The entire area is zoned "SF-20" Single-Family Residential and will convert to the "SF-6" Single-Family Residential district upon annexation. The properties are located within the areas identified for new growth and "low-density residential" land uses as shown on the Land Use Guide Map in the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change.

The proposed annexation will allow for the continuation of the City's growth in the east part of Wichita. Although none of the properties described in the service plan are currently receiving City water, all properties have access to 16 and 12 inch City water mains located in the Harry, Greenwich and 127th Street East rights-of-way.

To proceed with this annexation, the Council must adopt a resolution establishing a hearing date. Once the hearing date is established, a plan for extension of municipal services to the area will be placed on file in the City Clerk's Office. The Service Extension Plan outlines the City's intention to provide major municipal services to the area.

The total appraised value of the land and improvements proposed for annexation is \$561,140 resulting in an annual City Ad Valorem tax revenue of approximately \$2,034. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The cost of municipal services to be provided upon annexation will be funded by the operating departments currently delivering these services. Major municipal services such as local street improvements, water service may be provided to this area upon request by the property owners. Sewer service in the area is provided by Sedgwick County. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City's intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution must be mailed, by certified mail, to all owners of the property proposed to be annexed within 10 days of adoption, and the resolution must be published once in the official City newspaper not less than one week nor more than two weeks prior to the public hearing date. A report stating the plans for the extension of municipal services to the proposed annexation area must also be placed on file for public inspection in the City Clerk's Office.

Motion -- Knight moved that the Service Extension Plan be approved and the Resolution be adopted. Motion carried -- carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 11, 1999

PAGE 299

RESOLUTION NO. R-9-158

A Resolution declaring an interest in, and establishing a public hearing date for considering, the unilateral annexation of property located north and south of Harry, between Webb Road and 127th Street East to the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

EXECUTIVE SESSION

Motion -- Knight moved that the City Council recess into executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to legal advice and contract negotiations, preliminary discussions relating to the acquisition of real property for public purposes, and confidential data relating to the financial affairs or trade secrets of a business, and the Council return from executive session at 11:45 a.m. Motion carried 7 to 0.

-- carried

RECESS The City Council recessed at 11:20 a.m. and returned at 11:55 a.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of the executive session.

Adjournment The City Council meeting adjourned at 11:55 a.m.

Pat Burnett
City Clerk